

MEDICAL MUTUAL INSURANCE  
COMPANY OF MAINE, INC.,

Plaintiff,

V.

DOUGLAS BURKA,

Defendant.

Docket no. 2:16-CV-462-GZS

## ORDER ON DEFENDANT'S MOTION TO SEAL CASE FILE

Before the Court is Defendant Douglas Burka's Motion to Seal Case File (ECF No. 59). After considering the Motion and its supporting materials, the Court DENIES the Motion, substantially for the reasons outlined in Plaintiff's Response (ECF No. 62). As the First Circuit has explained, "[d]ecisions on the sealing of judicial documents require a balancing of interests, although the scales tilt decidedly toward transparency. The starting point must always be the common-law presumption in favor of public access to judicial records." Nat'l Org. for Marriage v. McKee, 649 F.3d 34, 70 (1st Cir. 2011). When a party seeks the sealing of documents, let alone an entire case file, it is that party's burden to "make a showing sufficient to overcome the presumption of public access." Id. at 71. Defendant simply has not met this burden. In particular, his allegation that he is harmed by public disclosure of the alleged defamatory statements referenced in the pleadings is a conclusory argument that would equally support the sealing of every civil case file involving allegations of improper behavior. Although the Court is not swayed by the fact that state courts in other cases involving Defendant and his former wife may have sealed the dockets in those cases, the Court does note that the First Circuit recently denied sealing of the

appellate record in this case. (See 1st Cir. Order of Court in Case No. 17-1872, Apr. 13, 2018.) Defendant's Motion (ECF No. 59) is therefore DENIED. The Court's denial of this Motion is made without prejudice to Defendant seeking the sealing of individual items on the docket. However, any such request shall comply with the procedures detailed in Local Rule 7A.

The Court notes that the individual filings made in connection with the Motion to Seal (ECF Nos. 59-62) are presently sealed and shall remain sealed indefinitely.

SO ORDERED.

/s/ George Z. Singal  
United States District Judge

Dated this 25th day of April, 2018.